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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

NANTWORKS, LLC, AND
NANT HOLDINGS IP, LLC.,

Plaintiffs,

v.

NIANTIC, INC.,

Defendant.

CASE NO. 3:20-cv-06262-LB

**PATENT L.R. 4-3 JOINT CLAIM
CONSTRUCTION AND PREHEARING
STATEMENT**

Hearing: August 19, 2021 (11:00 A.M.)
Place: Courtroom B, 15th Floor
Judge: Honorable Laurel Beeler

1 Pursuant to Patent Local Rule (“PLR”) 4-3, Plaintiffs NantWorks, LLC, and Nant
 2 Holdings IP, LLC., (together, “NantWorks”) and Defendant Niantic, Inc. (“Niantic”) (collectively,
 3 the “Parties”) having met and conferred, jointly submit this Joint Claim Construction and
 4 Prehearing Statement for the August 19, 2021 claim construction hearing on NantWorks’ U.S.
 5 Patent No. 10,403,051 (“the ’051 Patent”) and U.S. Patent No. 10,664,518 (“the ’518 Patent”).

6 **I. CONSTRUCTION OF THOSE TERMS ON WHICH THE PARTIES AGREE**
 7 **(PLR 4-3(a))**

8 To narrow their disputes, the counsel for the parties have meet and conferred on May 3rd
 9 and May 10th, and the parties have reached agreement on the constructions for the following claim
 10 terms:

Term	Claim	Construction
“tessellated tiles”	’518 Patent, claim 1	“tiles fitted together to cover an area without gaps”

14 **II. CONSTRUCTION OF THOSE TERMS ON WHICH THE PARTIES DISAGREE,**
 15 **AND IDENTIFICATIONS OF EACH PARTY’S INTRINSIC AND EXTRINSIC**
 16 **EVIDENCE (PLR 4-3(b))**

17 There are ten claim terms in dispute. The parties proposals as to the disputed claim terms
 18 are as follows:

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Claim Term	NantWorks' Proposed Construction and Support	Niantic's Proposed Construction and Support
<p>“determine at least one context related to the AR capable device and pertinent to the environment based at least on the device location” ('051 Patent, claim 1)</p>	<p>Proposed Construction: Determine at least one augmented reality experience on the AR capable device based on real world element attributes related to the local environment of the AR capable device.</p> <p>Intrinsic Evidence: '051 Patent: 2:3-15; 3:43-52; 3:49-52; 4:10-16; 4:42-44; 5:10-17; 7:67-8:3; 8:23-25; 8:41-44; 8:49-53; 9:13-26; 9:44-47; 11:4-8; 11:65-12:5; 12:13-21; 12:27-28; 12:31-37; 12:44-48; 13:1-7; 14:65-15:28; 15:34-43; 15:64-16:3; 16:20-23; 18:64-19:1; Figs 2, 3, 5.</p> <p>File History: '405 Appl., Mar. 25, 2019 Amdt, pp. 11-14; and Apr. 10, 2019 Ntc of Allow., pp. 2-4; '244 Appl., March 3, 2014 Resp. Off. Act. p. 9.</p> <p>Bathiche (U.S. App 09/167,787): ¶¶ 0021, 0048, 0052; Fig. 5.</p>	<p>Proposed Construction: It is presently unclear why NantWorks wishes to construe the entire claim element, or why plain and ordinary meaning does not suffice.</p> <p>Intrinsic Evidence: '051 Patent: 6:39-41; 7:19-35; 8:23-24</p>

Claim Term	NantWorks' Proposed Construction and Support	Niantic's Proposed Construction and Support
<p>1 "AR object" ('051 Patent, claim 1)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p>	<p>Proposed Construction: Data structure of at least the virtual object image for integration into an AR experience.</p> <p>Intrinsic Evidence: '051 Patent: Abstract; 1:33-34; 2:1-3; 3:58-62; 4:12-16; 4:40-41; 5:10-17; 5:57-59; 5:66-6:7; 6:13-17; 7:19-25; 7:29-35; 9:15-28; 9:48-60; 14:20-26; 16:45-51; 16:61-17:6; 19:54-60; 20:23-26; Figs. 1, 2, 3, 4, 5, 6.</p> <p>File History: '405 Appl., Mar. 25, 2019 Amdt, pp. 13-14; Apr. 10, 2019 Ntc of Allow., pp. 2-4; and Oct. 29, 2019 Amdt., pp. 1-4.</p> <p>Extrinsic Evidence: Object, render, <u>The American Heritage Dictionary</u>, (5th ed. 2011) NW_NIANTIC_001760 - 1767; Object, render, <u>Microsoft Encarta College Dictionary</u>, (1st ed. 2001) NW_NIANTIC_001768 - 1774.</p>	<p>Proposed Construction: The virtual item that is to be presented to the user.</p> <p>Intrinsic Evidence: '051 Patent: Abstract; Fig. 1, 4, 5, 6; 1:32-33; 5:57-59; 6:13-23; 6:36-38; 8:4-13; 9:9-60; 12:9-13; 15:62; 17:18; 21:17-18.</p>
<p>18 "AR object repository" / "AR repository" ('051 Patent, claim 1)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>Proposed Construction: Plain and ordinary meaning. If the Court finds construction necessary: Memory storing AR objects.</p> <p>Intrinsic Evidence: '051 Patent: 5:64-66; 7:59-60; 8:45-49; 8:57-60; 8:63-9:8; 10:46-51; 12:26-31; 19:1-4; Figs. 1, 2, 5.</p> <p>File History: '405 Appl., Mar. 25, 2019 Amdt, pp. 13-14; Apr. 10, 2019 Ntc of Allow., pp. 2-4; and Oct. 29, 2019 Amdt., pp. 1-4.</p>	<p>Proposed Construction: The database(s) that contain(s) the AR objects.</p> <p>Intrinsic Evidence: '051 Patent: 5:7-17; 5:64-66; 8:45-9:11; 19:1-4.</p> <p>File History: 2019-3-25 Amdt/Req. Reconsideration After Non- Final Rejection, pp. 13-14.</p>

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Claim Term	NantWorks’ Proposed Construction and Support	Niantic’s Proposed Construction and Support
<p>“identify relevant AR objects from the AR repository representing available AR objects corresponding to the at least one context” (’051 Patent, claim 1)</p>	<p>Proposed Construction: Identify a set of AR objects from the AR repository based on context and identify relevant AR objects that are within that set.</p> <p>Intrinsic Evidence: ’051 Patent: 5:64-66; 7:59-60; 8:45-49; 8:57-60; 8:63-9:8; 10:46-51; 12:16-21; 12:26-31; and 19:1-4; Figs. 1, 2, 3, 5.</p> <p>File History: ’405 Appl., Mar. 25, 2019 Amdt, pp. 13-14; Apr. 10, 2019 Ntc of Allow., pp. 2-4; and Oct. 29, 2019 Amdt., pp. 1-4.</p>	<p>Proposed Construction: See above for the terms “AR object” and “AR repository.” It is presently unclear why NantWorks wishes to construe the entire claim element, or why plain and ordinary meaning does not suffice for the remainder.</p> <p>Intrinsic Evidence: See above for the terms “AR object” and “AR repository.”</p>
<p>“alter presence” / “altered presence” (’051 Patent, claim 1)</p>	<p>Proposed Construction: The degree of at least a relevant AR object’s visual presentation based on a spectrum.</p> <p>Intrinsic Evidence: ’051 Patent: Abstract; 4:40-41; 5:38-43; 15:58-16:3; 16:20-29; 16:36-39; 16:47-60; 16:67-17:6; 17:51-59; 17:63-18:9; 18:2-6; 18:10-13; 18:18-25; 18:36-45; Fig. 4.</p> <p>File History: ’405 Appl., Apr. 10, 2019 Ntc of Allow., pp. 2-4; ’244 Appl., July 18, 2013 Resp. Off. Act. p. 5-7; ’244 Appl., Sept. 26, 2013 Resp. Off. Act. p. 5; Oct. 18, 2013 Resp. Off. Act. p. 6; and Mar. 3, 2013 Resp. Off. Act. p. 9, 11.</p>	<p>Proposed Construction: Change anything about the object’s presentation.</p> <p>Intrinsic Evidence: ’051 Patent: Abstract; 18:18-45.</p>

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